

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|----------------------------|---|----------------------------|
| KEVIN P. WHEELER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case Number: 09-5647 |
| v. |) | |
| |) | Honorable Elaine E. Bucklo |
| THE ITASCA FIRE PROTECTION |) | |
| DISTRICT NO. 1, |) | |
| |) | |
| Defendant. |) | |

AGREED MOTION TO MODIFY DISCOVERY SCHEDULE

NOW COMES Plaintiff, KEVIN P. WHEELER (“Wheeler”), by and through his pro bono attorneys, for his Motion to Modify the Discovery Schedule pursuant to FED. R. CIV. P. 16(b)(4), and in support thereof, hereby states as follows:

1. On September 11, 2009, Wheeler filed his Complaint, *pro se*. The gravamen of Wheeler’s Complaint alleges employment discrimination by Defendant Itasca Fire Protection District No. 1 (“Itasca”) in violation of the Americans with Disabilities Act.

2. On September 23, 2009, this Court appointed Charles R. Franklin of Wolin, Kelter, & Rosen, Ltd. to represent Wheeler, pro bono.

3. On January 6, 2010, this Court entered an Order closing discovery on May 7, 2010 (docket no. 20).

4. On February 26, 2010, Itasca filed its Answer to Wheeler’s Complaint.

5. On March 15, 2010, this Court granted Itasca’s Motion for Protective Order.

6. To date, Itasca issued several subpoenas to medical providers which have yet to be returned. Depositions of these medical providers cannot be completed until the records are produced.

7. In addition, Itasca has requested an extension of time to produce its documents. Any depositions to be taken of Itasca's employees or former employees cannot proceed without these documents.

8. Federal Rule of Civil Procedure 16(b)(4) permits the extension of a court schedule for good cause. Good cause exists because additional time is required to obtain these documents to properly depose any medical providers and any of the defendant's employees. These depositions cannot be reasonably completed before the current May 7, 2010, discovery deadline.

9. On March 29, 2010, Wheeler and Itasca's counsel agreed an extension was needed to properly conduct discovery in the present case. Both parties hereby request an extension of the discovery period from initial end date of May 7, 2010, by ninety (90) days to Thursday, August 5, 2010.

10. No previous extensions relating to discovery have been requested.

WHEREFORE, Plaintiff, KEVIN P. WHEELER, respectfully requests this Court grant the Plaintiff's Agreed Motion to Modify the Discovery Schedule pursuant to FRCP 16(b)(4) and grant such other relief as this Court deems just and proper.

Respectfully submitted,

KEVIN P. WHEELER

By: s/ Harry Channon
One of his pro bono attorneys

Charles R. Franklin
Harry O. Channon
WOLIN KELTER & ROSEN, LTD.
55 W. Monroe Street, Suite 3600
Chicago, IL 60603
(312) 424-0600